

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Crim. No. 5:18-CR-298-FL-1

UNITED STATES OF AMERICA                     )  
Plaintiff,   )  
   )  
v.   )  
   )  
GUADALUPE ESPINOSA-PENA                     )  
Defendant.    )  
\_\_\_\_\_  
   )

**MOTION TO CONTINUE ARRAIGNMENT**

NOW COMES DEFENDANT, GUADALUPE ESPINOSA-PENA, by and through counsel, and respectfully moves this Court for an order continuing arraignment until the next term of court. In support of this Motion, Defendant shows the Court the following:

1. Defendant's arraignment is scheduled for October 16, 2018 at 1:30 pm in New Bern.
2. Defendant is not detained on this case and counsel understands that Defendant is complying with the terms of his pretrial release.
3. Defendant's counsel is scheduled to appear at a federal client's sentencing in Winston-Salem federal court on October 16, 2018 at 2 pm in case numbers 17-CR-354-CCE-5 and 6-CR-68-CCE-1.
4. Counsel has contacted the Government regarding this Motion and the Government does not oppose this Motion.
5. Defendant respectfully requests that arraignment be continued until the next term of court.
6. Pursuant to 18 U.S.C. sec. 3161(h)(7), the Defendant submits that the "ends of justice" are best served by granting this motion to extend arraignment, and outweigh the public's and the

defendant's interest in a speedy trial because "the failure to grant such a continuance ... would deny counsel for the defendant . . . the reasonable time necessary for effective preparation taking into account the exercise of due diligence." 18 U.S.C. sec. 3161(h)(7)(B)(iv).

7. Accordingly, the Defendant agrees that the ends of justice served by granting this continuance outweigh the best interests of the public and the Defendant in a speedy trial and the period of delay caused by this continuance is therefore excluded in computing the time within which the trial must commence pursuant to 18 U.S.C. sec. 3161 (h)(7).

WHEREFORE, Defendant respectfully requests that this Motion be granted, and that arraignment be continued until the next term of court.

Respectfully submitted this 8<sup>th</sup> day of October 2018.

McCoppin & Associates Attorneys at Law P.A.

/s/ Andrew McCoppin  
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CJA – APPOINTED COUNSEL

CERTIFICATE OF SERVICE

Today, I served a copy of the foregoing upon the United States by electronic filing with CM/ECF to the person identified below:

Sebastian Kielmanovich  
Assistant United States Attorney

Respectfully submitted this 8<sup>th</sup> day of October 2018.

McCoppin & Associates Attorneys at Law P.A.

/s/ Andrew McCoppin  
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